

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

	X	
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BELLWOOD CORP., <i>et al.</i>	:	Civil Action No. 5:21-cv-00320
	:	Honorable Frank W. Volk, Judge
	:	
<i>Plaintiffs.</i>	:	
	:	
v.	:	
	:	
CARTER BANK & TRUST, <i>et al.</i>	:	
	:	
	:	
<i>Defendants.</i>	:	
	X	

**PLAINTIFFS’ RESPONSE TO DEFENDANTS’
MOTION TO CONTINUE JULY 1 INITIAL SCHEDULING ORDER**

On August 16, 2021, Defendants filed a motion (the “Motion,” Dkt. No. 59) to continue the Court’s initial scheduling order, dated July 1 (Dkt. No. 41), until resolution of Defendants’ pending Rule 12(b) motions (and, necessarily, Plaintiffs’ motion for limited jurisdictional and venue discovery (the “Discovery Motion,” Dkt. No. 53)).

Plaintiffs do not oppose the relief requested in Defendants’ Motion given the current posture of this action. As set forth in the Discovery Motion, Plaintiffs continue to believe that limited discovery is warranted with respect to the jurisdictional and venue issues raised in Defendants’ pending Rule 12(b) motions, and Plaintiffs look forward to the Court’s ruling on that motion now that briefing on the Rule 12(b) motions is complete, as provided in the Court’s order, dated August 4, 2021 (Dkt. No. 55). In the event the Court grants such relief, as Plaintiffs believe the Court should, Plaintiffs agree with Defendants that the current deadlines in the initial scheduling order (to the extent not already superseded) would be rendered premature. Therefore,

Plaintiffs consent to the relief requested by Defendants in their Motion.

Dated: August 27, 2021
Beckley, WV

Respectfully submitted,

/s/ Steven R. Ruby

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AT BECKLEY

BELLWOOD CORP., et al.

Plaintiffs,

v.

Civil Action No. 5:21-cv-00320
Honorable Frank W. Volk, Judge

CARTER BANK & TRUST, et al.

Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of August, 2021, the foregoing “Plaintiffs’ Response to Defendants’ Motion to Continue July 1 Initial Scheduling Order” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Steven R. Ruby
Steven R. Ruby (WVSB No. 10752)